

FILED

APR 24 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BLF
PSG

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN NYUNT,

Defendant.

CR14 00235

VIOLATIONS: 18 U.S.C § 1951 – Extortion; 18
U.S.C. § 1343 – Wire Fraud; 18 U.S.C. §
981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture of
Criminally Derived Proceeds

SAN JOSE VENUE

INFORMATION

The United States Attorney charges:

INTRODUCTORY ALLEGATIONS

At times relevant to this Information:

Defendant and Relevant Entities

1. JOHN NYUNT was a commander in the Pacific Grove Police Department (hereinafter
“the Department”).

2. NYUNT and Individual A operated a private investigation agency called “Nyunt

INFORMATION

1 Consulting and Investigative Services Corporation,” which was a business affecting interstate
2 commerce.

3 3. Individual B was the victim of a crime who reported it to NYUNT at the Department.

4 4. “Accurint for Law Enforcement” (hereinafter “Accurint LE”) is a commercial database
5 available on-line to subscribers who pay for access and use. The Department was a subscriber to
6 Accurint LE, and it gave passwords and access to selected Department officials, including NYUNT. By
7 the contractual terms of use and Departmental policy, Accurint LE was available only to authorized law
8 enforcement officials for official use.

9 COUNT ONE: (18 U.S.C. § 1951—Extortion)

10 5. In or about August of 2010, in the Northern District of California, the defendant,
11 JOHN NYUNT,
12 did knowingly obstruct, delay, and affect in any way and degree commerce and the movement of articles
13 and commodities in commerce by extortion; that is, defendant obtained property not due defendant or
14 his office, from Individual B, with Individual B’s consent, induced by the wrongful use of fear, and
15 under color of official right.

16 All in violation of Title 18, United States Code, Section 1951.

17 COUNT TWO: (18 U.S.C. § 1343--Wire Fraud)

18 6. Paragraphs 1 through 4 and alleged and incorporated as if fully set forth here.

19 7. From no later than in or about July of 2011 until in or about January of 2012, in the
20 Northern District of California and elsewhere, the defendant,

21 JOHN NYUNT.
22 knowingly devised, intended to devise, and participated in a scheme and artifice to defraud the
23 Department, and to obtain property from the Department by means of materially false and fraudulent
24 pretenses, representations, promises, and material omissions, which scheme is described further below.

25 8. It was part of the scheme that NYUNT gave Individual A his Departmental password,
26 and access to, the Accurint LE database, so that she could obtain financial and personal information
27 belonging to various individuals.

9. It was further part of the scheme that NYUNT did so without the authorization or knowledge of the Department.

10. It was further part of the scheme that Individual A, with the knowledge of NYUNT, presented herself falsely as an authorized Departmental user of Accurint LE and did, in fact, conduct searches of on-line databases, obtaining financial and personal information belonging to various individuals.

11. It was further part of the scheme that NYUNT did conceal and hide, and cause to be concealed and hidden, the acts done and the purpose of the acts done in furtherance of the scheme, in part by making false statements to Department officials.

12. As a result of the scheme, the Department was defrauded of property, namely the information available to it as a subscriber to Accurant LE, its right to the exclusive control and official use of that information, and the fees paid by the Department as a result of Individual A's unauthorized searches.

13. On or about July 6, 2011, in the Northern District of California and elsewhere, the defendant,

JOHN NYUNT,

for the purpose of executing said scheme and artifice to defraud, did cause to be transmitted, by means of wire and radio communication in interstate commerce, certain writings, signs, and signals, namely Individual A's Accurant LE search queries transmitted from California to Florida.

All in violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461 –

Forfeiture of Extortion and Fraud Proceeds)

14. The allegations of Counts One and Two of this Information are re-alleged and incorporated herein pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

15. Upon conviction of any of the offenses alleged in Counts One and Two, the defendant,

JOHN NYUNT.

shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to said offense, including but not limited to a sum of money equal to the total proceeds from the commission of said offense.

INFORMATION

16. If, as a result of any act or omission of the defendant, any of said property

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

any and all interest defendant has in any other property up to the value of the property described in paragraph 5 and 12 above, shall be forfeited to the United States pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461.

All in violation of Title 18, United States Code, Sections 981(a)(1)(C), 1343 and 1951; Title 28, United States Code, Section 2461; and Rule 32.2 of the Federal Rules of Criminal Procedure.

DATED: April 24, 2014

MELINDA HAAG
United States Attorney


JEFFREY D. NEDROW
Assistant United States Attorney

(Approved as to form: Philip A. Guentert)
AUSA Philip A. Guentert

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 1951 - Extortion
 18 U.S.C. § 1343 - Wire Fraud

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: Maximum Twenty Years Imprisonment per count
 Maximum \$250,000 fine per count
 Maximum Three Years Supervised Release per count
 \$100 special assessment fee per count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Nyunt, John

DISTRICT COURT NUMBER

00235

DEFENDANT'S COURT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☒ On another conviction
☐ Federal ☒ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FBI S/A Gail Paresa

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) AUSA PHIL GUENTERT

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: _____